

Maine Department of Environmental Protection  
Commissioner Gerald Reid  
Eastside Campus Ray Building  
17 State House Station  
Augusta, Maine 04333-0022

John and Nancy Nicholas  
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Winthrop, Maine 04364

Date: March 6, 2019

**Case:** Proposed hydro power transmission corridor – New England Clean Energy Connect, NECEC.

**Subject:** Updated letter of opposition to the Central Maine Power Company's (CMP) proposed 53.8 miles of new transmission corridor in the State of Maine.

Dear Commissioner Jerry Reid:

Thank you for the opportunity to write about the proposed CMP transmission corridor regarding the first 53.8 miles. As stated in a previous letter, we own property in Upper Enchanted Township, Maine, approximately two miles from CMP's proposed 145-mile Hydro Quebec transmission corridor in the State of Maine. We are very concerned about the damaging effects of the proposed transmission corridor on the environment and natural resources around the first 53.8 miles. We are also concerned about the negative impact the proposed transmission corridor will have on the scenic character of the area and the tourism economy of Jackman, West Forks and the Forks. Lastly, we are concerned about the negative impact of the proposed transmission corridor on public reserved land through which the proposed transmission corridor is planned to traverse by means of a lease agreement between CMP and the Maine Bureau of Parks and Public Lands, and whether this lease agreement is even legal.

We strongly recommend that you deny the necessary permits for this project, so that the Massachusetts Department of Public Utilities may have a contractual basis on which to terminate its contract with CMP and contract with Vermont's New England Clean Energy Powerlink that proposes a 154-mile transmission corridor to carry DC power from Hydro Quebec to Massachusetts. The entire 154 miles of proposed transmission corridor would be under water and underground, thus, avoiding damage to the environment, natural resources, scenic character and tourism economy of Vermont.

A report prepared by the Maine Department of Inland Fisheries and Wildlife identified potentially serious impacts on the wildlife, wild and native brook trout, endangered wildlife and rare ecosystems and plants around the 53.8 miles of proposed transmission corridor. Janet S. McMahon, Consulting Ecologist also testified before the MLUPC about the serious, damaging effects on cold water fisheries and wildlife habitats that would occur around the proposed transmission corridor. Most alarming is that the negative impact on habitat integrity would extend ½ kilometer up to one kilometer beyond the "high contrast edges" of the proposed 150-foot-wide transmission corridor into adjacent forest land.

The immensity of the possible damaging impact on cold water fisheries and wildlife is best appreciated by the fact that the first 53.8 miles of the proposed transmission corridor would cross 115

streams, 263 wetlands, vernal pools and several deer wintering areas. Maine contains 97 percent of the wild and native brook trout in the Eastern United States. CMP has proposed a 25-foot setback from streams in the area when a 100-foot setback is required. I have spent that past 20 years fly fishing the remote ponds around the 53.8 miles of proposed transmission corridor. Most of the streams in this area flow into and out of the remote ponds that support the spawning of wild and native brook trout. For example, two streams flow through our property and support the spawning of wild and native brook trout that access the two streams from Grace Pond. Survival of the wild and native brook trout in this area will be threatened by rising temperatures that brook trout cannot tolerate in the exposed streams within the 150-foot-wide corridor, and from herbicide that CMP will use to retard forest growth in the 150-foot-wide corridor.

The area around the proposed 53.8 miles of transmission corridor is used for hunting, remote open water fishing (especially fly fishing), ice fishing, hiking, remote camping, canoeing, kayaking, boating, snowshoeing, cross country skiing, snowmobiling, ATVing, ecotourism, mountain climbing, related outdoor recreational pursuits and timber harvesting. Representatives from CMP describe the area as a ravaged, industrial forest wasteland in order to promote an alternate and inaccurate reality about the area. The area is unique in the continental United States and Maine as one of the largest and most intact contiguous temperate forests remaining in North America, perhaps in the entire world, and because of its breathtaking scenery of mountainous terrain containing approximately seven mountains exceeding 3,000 feet in height and another 14 mountains between 2,000 and 3,000 feet in height, picturesque forests and approximately 20 remote ponds and 100 or more streams that contain wild and native brook trout. The area can most accurately be described as multiple outdoor use/multiple ownership which would be incompatible with a large scale industrial infrastructure represented by a 150-foot-wide transmission corridor containing 100-foot-high, nonliving towers that would look like ugly monster truck transformers, some with red aviation lights, standing starkly out of place in a living, breathing forest that abounds with wildlife such as deer, moose, black bear and lynx. We are not aware of any desire for visitors to observe 100-foot-high transmission towers. Comments submitted to the Maine Public Utilities Commission (MPUC) from out-of-state visitors and land owners have consistently stated that, "They do not need to come to Maine to hike, snowmobile and view electric transmission lines." And, based on a recent survey, they won't come here, thus, detrimentally impacting the tourism economy of the area.

The area around the proposed transmission corridor is owned by the Nature Conservancy (16,500 acres), a single landowner (15,000 acres around Spencer Lake and Fish Pond), approximately 350 acres of public reserved land owned by the people of Maine, 5,000 acres owned by 151 families, two Sporting Lodges/Camps, the Passamaquoddy Nation and large landowners engaged in timber harvesting.

Coburn Mountain is the highest mountain in the Jackman, West Forks and Forks area. At 3,717 feet it is a prominent feature of this beautiful landscape. The proposed transmission corridor is planned to traverse up the north slope of the mountain and continue approximately 3 miles along the eastern slope of Coburn Mountain. As a result, the proposed transmission corridor would be easily observed over approximately 20 miles of Route 201 (a Maine Scenic Byway,) significantly impairing the beauty of the area for visitors traveling Route 201. The proposed transmission corridor and towers would be

visible over most of the 25 miles of the Spencer Road, and from the Attean Overlook in Jackman as it meanders through the Western Mountains of Maine from Route 201 to the Canadian border. Visitors from away will stop at the Attean Overlook expecting to see a stunning forest landscape. Much to their chagrin, they will observe a fragmented forest with hundreds of electrical transmission towers.

It appears from the video simulations of the proposed corridor that the transmission towers may be visible from many popular remote ponds west and north of Coburn Mountain including Grace Pond, Enchanted Pond, Little Enchanted Pond, Gordon Pond, Rock Pond and Iron Pond, significantly diminishing the remote experience that visitors enjoy when visiting these ponds. The transmission towers will also be visible from Spencer Lake, and from the Cold Stream Forest east of Route 201 that was recently purchased by the Land for Maine's Future program and added to our public lands. The transmission towers also will be visible from two, nearby sporting camps/lodges, and from Parlin Pond.

Families who own property in the Unorganized Territory (UT), and would be directly affected by the proposed transmission corridor, will receive only a fraction of the property tax benefits from the proposed transmission corridor, as the entire UT is treated as one taxing unit. What they will receive is 100% of the decline in property values of between 10% and 30%.

Coburn Mountain ranks #21 among northeast US peaks with 2000 feet of prominence (source: peakbagger.com), which may explain why it is able to hold storm clouds and act as a water source for the surrounding area. Colburn Mountain is the water source for Grace Pond, a native brook trout resource. Coburn Mountain also drains into Enchanted Pond, a large native brook trout resource, Parlin Pond, the dead River and the Moose River. It also supplies water from its extensive bedrock aquifers to approximately 40 families on the western side of the mountain. Any disruption or herbicide contamination of this water flow from the proposed transmission corridor and towers on Colburn Mountain would forever destroy Grace Pond and Enchanted Pond, and their native brook trout fishery, as well as other fishery resources and the families whose water supply comes from Coburn Mountain. The commission should require CMP to conduct a hydrogeologic analysis of Coburn Mountain to determine if there would be any threat to water supplies emanating from the mountain from the proposed path of the transmission corridor.

A lease agreement executed in December 2014 between CMP and the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Public Lands allows CMP to use public reserved land located on the border between Johnson Mountain Township and the West Forks Plantation at T2 R6 BKP WKR for a section of CMP's proposed transmission corridor that would be one-mile long and 300-feet-wide. The authority cited in the lease agreement is Title 12 MRSA, section 1852, subsection 4 that permits the Bureau of Parks and Public Lands to lease public reserved land for "utilities and rights-of-way." Paragraph A of that statutory language permits the bureau to lease the right to "Set and maintain poles, electric power transmission and telecommunications transmission facilities, roads, bridges and landing strips; ....." CMP would be required to make a \$1,400 annual payment for a mile of proposed transmission corridor worth \$413,793 a year (\$60,000,000 divided by 145 miles) for CMP and its parent, Iberdrola.

My opinion is that this lease agreement requires the approval of 2/3 of both houses of the Maine Legislature, in accordance with Article IX, section 23 of the Maine Constitution, because the lease agreement exceeds the intent of the statute and represents a “substantial alteration” of that public reserved land. The statute, in my opinion, is meant to allow a public utility right-of-way, through lease agreement, to carry power over public reserved land for local users and not to allow the use of public reserved land for the benefit of another state (Massachusetts) and two multinational corporations. The statute does not mention transmission corridors or towers. Also, the lease agreement allows CMP to build a 300-foot-wide by one-mile long transmission corridor through the middle of this public reserved land when their application only requests a 150-foot-wide corridor. Why? Based upon the testimony of Janet S. McMahon, Consulting Ecologist, before the MLUPC, deforestation of the proposed 150-foot-wide corridor through this public reserved lot would extend damage to cold water fisheries and wildlife habitat ½ kilometer up to one kilometer beyond the “high contrast edges” of the proposed transmission corridor, resulting in a “substantial alteration” of the entire public reserved lot.

Again, thank you for the opportunity to write about this project proposal.

Sincerely,

John and Nancy Nicholas

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